

No. 2:18-cv-01107

J.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

RENA ABRAN,

Plaintiff,

V.

CITY OF PHILADELPHIA, ET AL,

Defendants.

No. 2:18-cv-01107

**PLAINTIFF'S MOTION TO COMPEL
ADDITIONAL DISCOVERY**

Plaintiff, by its undersigned counsel, hereby moves the Court to enter an Order pursuant to Pa.R.C.P. 4019 compelling defendant to answer certain discovery propounded to defendant by plaintiff in this matter.

In support of this Motion, plaintiff avers as follows:

1. On or about March 15, 2018, Plaintiff filed a 1983 Civil Rights Complaint in Federal Court due to the suicide death of one Gene Wilson.
2. At all times relevant hereto the defendants were properly served with a true and correct copy of the aforementioned complaint.
3. On or about August November 14, 2018, the Honorable Judge Mitchell S. Goldberg granted Plaintiff's Motion to Amend Plaintiff's Complaint to add Corizon Healthcare as a party Defendant.
4. On or about February 21, 2019, 2019 Plaintiff and Defense counsel had a Pre-trial teleconference with Magistrate Judge David R. Strawbridge. At the conclusion of said hearing

Magistrate Strawbridge extended the discovery for an additional six (6) months for parties to complete.

6. Plaintiff served it's First Set of Interrogatories and Production of Documents upon Defendant, Corizon Healthcare counsel on March 15, 2019, by U.S. Mail.

7. Upon Plaintiff's counsel review of discovery request, defendant neglected to provide specific documents mentioned in said discovery response.

8. Plaintiff formally requested that Defendant, Corizon provide Plaintiff with this relevant document.

9. To be more specific, in it's discovery replies to Interrogatory #15 (See attached), Defendant, Corizon readily admitted that it is in possession of an internal document related to the investigation surrounding the suicide death of Gene Wilson, which is the subject of this above-captioned civil rights suit and objected to providing Plaintiff with this document.

10. On or about May 23, 2019, counsel for the Defendant denied Plaintiff's request and asserted a federal statutory privilege in refusing to provide Plaintiff said document.

11. Defendant, Corizon has only cited a general/generic assertion of privilege in its discovery response and, as such, this response is legally insufficient.

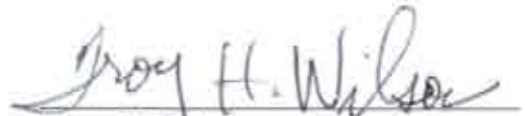
12. Defendant has no legal cognizable privilege claim as it relates to the deceased Plaintiff, Gene Wilson, since Mr. Wilson was neither, servant, employee, or agent of the Defendant, Corizon's care of Mr. Wilson they can not now claim any sort of statutory privilege.

13. Plaintiff's discovery requests of Defendant, Corizon's "privilege" documents are also necessary since the Plaintiff has made a Monell claim.

14. Therefore, Plaintiff requests an Order of this Court pursuant to all applicable Federal Discovery Rules compelling Defendant to provide Plaintiff with said Production of

Documents.

WHEREFORE, plaintiff respectfully requests the Court to enter an Order compelling defendant, Corizon Healthcare provide Plaintiff with Corizon's internal investigation document(s) relating to the suicide death of Gene Wilson or suffer appropriate sanctions to be imposed upon application to the Court.



Troy H. Wilson
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Troy H. Wilson, Esquire, hereby certify that service of a true and correct copy of the enclosed Motion to Compel was made on July 2, 2019, to all counsel below named via electronic e-filing to:

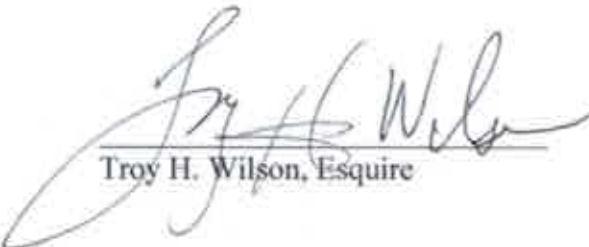
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